

1 DAVID J. WEILAND #160447  
2 STEVEN C. CLARK #181050  
3 Email: dweiland@ch-law.com  
4 COLEMAN & HOROWITT, LLP  
5 499 W. Shaw Avenue, Suite 116  
6 Fresno, California 93704  
7 Telephone: (559) 248-4820  
8 Facsimile: (559) 248-4830

6 Attorneys for Defendant THE NEIL JONES FOOD COMPANY, dba SAN BENITO FOODS

7 STEVEN D. LIDDLE  
8 Email: sliddle@lscounsel.com  
9 LAURA L. SHEETS  
10 Email: lsheets@lscounsel.com  
11 MATTHEW Z. ROBB  
12 Email: mrobb@lscounsel.com  
13 LIDDLE SHEETS, P.C.  
14 975 E. Jefferson Avenue  
15 Detroit, Michigan 48207  
16 Telephone: (313) 392-0015  
17 Facsimile: (313) 392-0025

13 UNITED STATES DISTRICT COURT  
14  
15 NORTHERN DISTRICT OF CALIFORNIA

16 JOSEPH VALLEJO, VICTOR  
17 ESPERICUETA and CHRISTOPHER  
18 JONES on behalf of themselves and all  
19 others similarly situated,

18 Plaintiffs

19 v.

20 THE NEIL JONES FOODS COMPANY,  
21 dba SAN BENITO FOODS,

22 Defendant.

Case No. 5:24-cv-06835-EKL

**JOINT STIPULATION TO EXTEND THE  
TIME FOR REPONSIVE PLEADINGS AND  
CONTINUE INITIAL CASE MANAGEMENT  
CONFERENCE**

[Filed with Proposed Order]

**Current Initial CMC Date: March 5, 2025  
Current Initial CMC Time: 1:30 p.m.  
Courtroom: 7**

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24 Plaintiffs, JOSEPH VALLEJO, VICTOR ESPERICUETA and CHRISTOPHER JONES  
25 on behalf of themselves and all others similarly situated (“Plaintiffs”), and Defendant THE NEIL  
26 JONES FOOD COMPANY, dba SAN BENITO FOODS (“Defendant”), by and through their  
27 respective attorneys of record, hereby stipulate and agree to the following:  
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**RECITALS**

This stipulation is entered into based on the following facts:

A. Defendant's responsive pleadings are currently scheduled to be filed on or before January 20, 2025.

B. The Initial Case Management Conference is currently scheduled for March 5, 2025, at 1:30 p.m. in Courtroom 7 via zoom. A joint case management statement shall be filed two weeks before the conference.

C. Counsel for Defendant recently contacted counsel for Plaintiffs to discuss with them that during the applicable periods contained within Plaintiffs' Complaint, the wastewater treatment facility was being operated, pursuant to an operating agreement, by Sunnyslope County Water District ("Sunnyslope"), a governmental entity, and that the actions alleged by Plaintiffs may relate to the actions or inactions of Sunnyslope. Having just learned about this, and having received no documentation in support, Plaintiffs reserve the right to contest the factual bases for Defendant's contentions.

D. Forthwith, Defendant will be providing notice of this matter and a Government Code notice of claim to Sunnyslope. The parties would expect that Sunnyslope would respond to the Government Code claim within 45 days of receipt. Thereafter, with Defendant filing a cross claim, there would be an additional 30 days needed for Sunnyslope to respond to said cross claim.

E. Given the above, the Parties request that the date for Defendant's to provide responsive Pleadings be extended for 75 days until April 6, 2025.

F. The Parties would also request that the Initial Case Management Conference be extended until June 4, 2025.

G. The extended time is not being requested to impede the litigation or vex any parties. Rather, it is to allow for Sunnyslope to decide on the Government Code claim submitted and if rejected, to provide time for Defendant to file a cross claim and for Sunnyslope to respond to same. Further, it will allow all parties, including Sunnyslope, the opportunity to fully participate in all litigation and discovery activities from the beginning and avoid the prejudice which may occur if those matters proceed without affording Sunnyslope the opportunity to participate. Finally, this

time may also provide an opportunity to consider and discuss early case resolution.

**STIPULATION**

The above facts having been taken into consideration, the adequacy and sufficiency of which are hereby acknowledged, the parties stipulate as follows:

1. The deadline for Defendant to file its responsive pleadings is continued to April 6, 2025.


2. The Initial Case Management Conference and all dates tied thereto, including but not limited to, the date for initial disclosures, shall be continued until June 4, 2025, or to a time otherwise set by the court, to permit this matter to be at issue before the Initial Case Management Conference.

2. This Stipulation may be executed in counterparts, and a facsimile and/or electronic signature shall be considered as valid as an original.

3. That except as otherwise provided herein, this Stipulation is made without prejudice to or waiver of any other rights of the parties hereto, all of which are expressly reserved.

Dated: January 16, 2025

COLEMAN & HOROWITT, LLP

By:   
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DAVID J. WEILAND  
STEVEN C. CLARK  
Attorneys for Defendant THE NEIL  
JONES FOOD COMPANY dba SAN  
BENITO FOODS

Dated: January 16, 2025

LIDDLE SHEETS, P.C.

By: /s/ Matthew Z. Rob  
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STEVEN LIDDLE  
LAURA SHEETS  
MATTHEW Z. ROBB  
Attorneys for Plaintiffs and the Putative  
Class